

Chevy Chase Village Board of Managers

March 13, 2006

BOARD OF MANAGERS

George L. Kinter, Chair	Present
Douglas B. Kamerow, Vice Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
David L. Winstead, Board Member	Present
Peter M. Yeo, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Administrative Assistant	Present

George L. Kinter, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Mr. Kinter thanked all residents and Board members who appeared at the Public Hearing on February 23, 2006 or submitted comments regarding the Montgomery County Department of Public Works' and Transportation proposal to shift bus service from Connecticut Avenue to Brookville Road.

Approval of Minutes from the February 13, 2006 Board Meeting (Regular and Executive Sessions)

Ms. Eig submitted changes to the minutes prior to the meeting.

Dr. Kamerow made a motion to approve the minutes of the February 13, 2006 Board Meeting as amended. Ms. Feldman seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Winstead voted in favor of the motion. Ms. Stephens did not vote as she was absent from the February 13, 2006 meeting. The motion passed.

Treasurer's Report

Copies of the Treasurer's report were distributed to the Board prior to the meeting. Discussion followed.

Committee Reports

Building Facilities Commission

Mary Anne Tuohey, Chair of the Building Facilities Commission, advised the Board of the upcoming events to be held in the Village Hall. She noted that this year's annual Art Show will be expanded to include artists from the surrounding municipalities. A new class is being offered

and is aimed at boys age 4-5, entitled “Superhero Class for Boys”; however, the class is open to boys and girls. Arrangements are being made for a concert headlined by resident Wes Nichols. The Commission continues to work on a rental regulation summary sheet so potential renters can gain an understanding of the procedures for renting the Hall in one concise document.

Dr. Kamerow asked the Commission to look at ways to encourage rental by Village residents. Mr. Yeo suggested allowing residents to use credit cards to pay for the security deposit as opposed to the current policy which requires the resident to write a check that is deposited in the Village’s account. Ms. Tuohey replied that they investigated this option and found it not to be feasible. Mr. Biddle added that *PayPal* should be activated on the website to handle credit card services by mid-April 2006. Ms. Eig suggested the Commission look into extending rentals to the other Chevy Chase municipalities. Ms. Stephens stressed that when the Hall was renovated a commitment was made to nearby residents that the Hall would be used by Village residents, their families and their friends. Discussion followed.

Budget Committee

Committee Chair and Brookville Road resident, Samuel A. Lawrence, began by thanking the Board for its contributions opposing Montgomery County’s proposal to re-route one of its bus routes from Connecticut Avenue to Brookville Road.

Mr. Lawrence then continued and stated that the Committee is comfortable with the proposed FY2007 budget as recommended by Mr. Biddle. The Budget Committee recommends leaving the “special projects” on the table until additional information is gained regarding their potential costs. Mr. Lawrence led the Board through a discussion of pages 1-6 of the budget packet including the proposed real and personal property tax increase. Ms. Eig encouraged staff to ensure new houses built within the Village are registered with the State for both real property and income tax purposes.

The Board applauded the efforts of Messrs. Lawrence and Biddle in drafting the proposed FY2007 budget. The Board supported the proposed real property tax increase of \$0.123 per \$100 of assessed value and directed staff to proceed to publish a constant yield tax rate notice in the March 15, 2006 edition of the Bethesda/Chevy Chase *Gazette*. Ms. Eig suggested staff contact Marc Weller of 26 Oxford Street regarding private fundraising for the Brookville Road sidewalk project. Mr. Lawrence responded that this should be postponed until surveys are received from the engineering firm which will determine what can be done.

Decisions on Previous Appeals

None.

Appeals

None.

Old Business

5810 Connecticut Avenue Fence

Mr. Winstead asked for a status report on the fence at 5810 Connecticut Avenue for which a variance was approved by the Board of Managers at their meeting on July 11, 2005. Mr. Biddle advised that the owners also had to apply for a variance from the Montgomery County Board of Appeals, which was denied. Staff will contact the Board of Appeals to find out the status of this fence, which has been left in a dilapidated condition.

Legacy Open Space

Ms. Eig stated that she had not discussed the Wohlfarth property at the last Legacy Open Space meeting because the meeting focused primarily on defining exactly what is involved for the County to have a contract under Legacy Open Space, including who has to be contacted prior to making decisions regarding the property. Ms. Eig said she felt the Village should pursue determining what it would like to do with the property before it discusses the use of the property with the County so that the Village's position is clear. She continued by stating that a Committee should be created to investigate options for the site and to solicit feedback from the residents as to how they would like to see the property used. Ms. Stephens asked if the County had the first right to pursue use of the house in advance of the Village's desires. Discussion followed.

New Business

Procurement Compliance

Mr. Biddle circulated a document to the Board prior to the meeting entitled "Procurement Compliance—Expenditures Exceeding \$2,500 Annually". There are several contracts that are entered into by "piggybacking" on other government agencies' contracts. This allows the Village to reap the benefits of another agency's procurement process. Mr. Podolsky noted that allowing procurements for over \$5,000 using the open market procedure would require amending the Code, and that the Board would need to set the amount at which competitive sealed bids would not be required. He stated that he would like to continue this discussion at the April 3, 2006 Board Meeting. Mr. Biddle will work with Mr. Podolsky to identify an appropriate limit for open market procurement and develop a draft ordinance for Board review and possible action.

Ms. Eig said she felt the Board would want information from the Personnel Commission regarding how the Village should pursue the issue of procurement for employee health insurance benefits. Ms. Feldman stated that in light of timing requirements, the health insurance coverage should be acquired under open market procurement for the upcoming year and revised for the coverage period beginning July 1, 2007. The Board concurred. Discussion followed and the Board decided to review a draft Ordinance at the April 3, 2006 Board Meeting regarding modification to the Procurement Code. Mr. Winstead suggested staff look into health insurance procurement available through the Maryland Municipal League, the National League of Cities and Montgomery County.

Stump Grinder

Mr. Biddle advised the Board of the need to rent a stump grinder at a cost of \$2,937 a month, including replacement teeth for those that will inevitably be broken during the Public Works Department's upcoming stump removal program. Ms. Eig added that she felt the Public Works crew was more efficient than *Treemasters*. Discussion followed on the benefits of stump grinding by the Public Works staff with a rented grinder vs. contracting stump grinding services with *Treemasters*.

Chair's Report

None.

Manager's Report

Ride-On Bus Rerouting

Mr. Biddle stated that the State Highway Administration has agreed to investigate traffic signal options for the intersection of Connecticut Avenue and Leland Street.

Buffer Irrigation Water Tap

Mr. Biddle stated that the *Washington Suburban Sanitary Commission's* (WSSC) Systems Development Charge of \$6,600 is unavoidable. This fee goes towards WSSC's Capital Improvement Program. This results in a \$3,800 cost overrun for this project. The Board authorized Mr. Biddle to proceed with the project despite the cost overrun. The fee will be made payable directly to WSSC.

4115 Oliver Street Appeal Continuance

Mr. Biddle reported that the resident of 4115 Oliver Street, Valery Amiel, advised that he planned to appeal the Montgomery County Department of Permitting Services' decision requiring setbacks for walls in excess of 30 inches in height. Mr. Biddle will continue to update the Board of progress on this issue.

Starpower Underground Costs

Mr. Biddle said he continues to investigate the revenue that would be gained from the applicable permit fees compared with *Starpower's* cost to bury its lines. Mr. Winstead encouraged raising the franchise fees substantially. Mr. Podolsky replied that federal law limits franchise fees to 5%. Mr. Podolsky advised the Board on recent developments regarding *Verizon's* fiber to the premises project. Discussion followed.

Chevy Chase Center

Mr. Biddle advised that he met with David Smith who stated that *Davis Construction* is now willing to contribute to a blasting damage pool that would then be handed over to the Village for distribution to the households that filed repair estimates. While dollar amounts were not finalized, Mr. Biddle does expect a high cent on the dollar if not a dollar-for-dollar payout. Mr. Biddle expects the next step to be allowing Legal Counsel from the Village and the Land Company to begin drafting the agreement's language. The final agreement would prevent future litigation against the entire contract core from any residents participating in the reparations pool.

Construction continues to lag on the *Giant* store. Mr. Biddle continues to work with David Smith of the Land Company regarding exterior lighting on the rear of the *Tiffany & Company* store that is being left on after the store closes and through the night. Discussion followed.

Police Report

Copies of the Police Report were distributed to the Board prior to the meeting. Chief Gordon stated that over the previous two weekends, an animal rights group had picketed in front of a residence within the Village because the homeowner works for a company that contracts with a lab that performs animal testing. While the group is known to be radical, no problems were experienced. The group was loud, but abided by all Village and County regulations.

Parking on the Lot at the *Church of Jesus Christ of Latter Day Saints*

Mr. Winstead explained that he had begun to investigate commuter parking that is being permitted on the parking lot of the Church at the corner of Western Avenue, Kirkside Drive and Grove Street. He stated that he would continue look into this issue together with Chief Gordon and Mr. Biddle.

Mr. Winstead applauded Chief Gordon for placing a police cruiser with a mannequin in it on Kirkside Drive, which he felt had been effective.

Mr. Winstead made a motion to adjourn the meeting. Ms. Feldman seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 10:02 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.